

## **REMARKS**

[0001] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-11 and 16-43 are currently pending
- Claims 1, 16, 24, 30, 33, and 40 are amended herein

[0002] Support for the amendments to claims 1, 16, 24, 30, 33, and 40 is found in the specification at least at ¶ [0045], ¶[0052], and ¶[0059] –¶ [0070].

## **Cited Documents**

[0003] The following documents have been applied to reject one or more claims of the Application:

- Gosior: Gosior et al. U.S. Patent No. 6,684,062
- '246: Gosior et al., U.S. Patent Application Publication No. 2002/0110246

## **§ 102 Rejections**

[0004] Claims 1-11, 16-34 and 36-37 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gosior. Applicant respectfully traverses the rejection.

*Independent Claim 1*

[0005] The Examiner indicates (Action, p. 2-3) the following (in pertinent part) with regard to claim 1:

4. Regarding claims 1, 6-8, 16-18, 22-26 and 28-34, Gosior discloses a wireless (RF) gaming system and method comprising a host (12/14) that receives game controller data and determines QOS on the received controller data based on data packets, wherein transmission power management at the game controller is based on the QOS of the received game controller data (Col. 10 lines 14-25); and a general-purpose game controller (10) that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data based on data packets, wherein reception power management at the game controller is based on the QOS of the received host data (Col. 9, line 50 ~ Col. 10, line 5).

[0006] The cited references, and specifically Gosior, does not describe each and every recital of claim 1 which is copied below (in pertinent part):

a host that receives game controller data and determines quality of service (QOS) on the received game controller data, the QOS of the received game controller data having a plurality of metrics associated therewith, with a number of metrics being met to determine if the QOS is acceptable, ***wherein irrelevant or non-applicable metrics are ignored and not factored in determining if the QOS is acceptable***, wherein transmission power at the game controller is based on the QOS determination of the received game controller data;

a game controller that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data, the QOS on the received host data having a plurality of metrics associated therewith, with a number of metrics being met to determine if the QOS is acceptable, ***wherein irrelevant or non-applicable metrics are ignored and not factored in determining if the QOS is acceptable***, wherein reception power at the game controller is based on the QOS determination of the received host data, the game controller coupled to a battery;

[0007] Gosior describes at page 12:

The poll packet, as shown in FIG. 13, is sent by base transceiver 12 to initiate the polling volley. Since the poll packet is sent once per packet volley it contains information relating to each of the associated controllers. Within each polling cycle each controller 10 will send a response packet as shown in FIG. 14. The poll packet has several components:

**TPPH—Transceiver Polling Packet Header**

The TPPH is the overall header for the polling packet. It contains packet type, polling control (e.g. flow control, redundant packet flag) and base transceiver address, other channel address information. It may contain other application dependent fields for other data and protocol control purposes.

**CPH#n—Controller #n Polling Header**

The CPH is a sub-header in the polling packet. Each controller 10 being addressed by base transceiver 12 pre-

crably has a separate CPH and CPD component containing data type, data address, and data control (e.g. quality of service, size) information and RF link control (e.g. transmit and receive power level fields to adjust power levels dynamically) information.

**CPD#n—Controller #n Polling Data payload**

Each controller 10 associated with a base transceiver 12 is sent information relating to the particular application. Gaming and generic data payload characteristics are described below.

**CRC—Cyclic Redundancy Checking**

The data packet is protected with a CRC-16 (or better) frame check ( $x^{16}+x^{12}+x^5+1$ ).

The response packets from each individual controller 10 have several components:

**CRH#n—Controller #n Response to Poll Header**

The CRH is a header for the controller 10 response to a base transceiver 12 poll packet. Each controller 10 must send a response to the poll request made by base transceiver 12 containing data type, data address, and data control (e.g. quality of service, size) information and RF link control (e.g. transmit and receive power level fields to adjust power levels dynamically) information.

**CRD#n—Controller #n Response to Poll Data payload**

Each controller 10 sends data to its associated base transceiver 12 using this field. Gaming and generic data payload characteristics are described below.

**CRC—Cyclic Redundancy Checking**

The data packet is protected with a CRC-16 (or better) frame check ( $x^{16}+x^{12}+x^5+1$ ).

[0008] Thus, Gosior merely describes a poll packet sent by a base transceiver and a response packet sent by a controller, with the poll packet comprising a Controller Polling Header and the response packet comprising a Controller Response to Poll Header, each packet containing data type, data address, and data control (e.g. quality of service, size) information and RF link control (e.g. transmit and receive power level fields to adjust power levels dynamically) information. See column 9, lines 51-column 10, line 23. However, Gosior has no mention of irrelevant or non-applicable metrics being ignored and not being factored in when determining if the QOS is acceptable, as recited by Applicant's claim 1.

[0009] As shown above, the cited reference, alone or in combination, does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

#### *Remaining Pending Claims*

[0010] In addition to their own merits, dependent claims 2-11 are allowable for at least the same reasons that independent claim 1 is allowable. Applicant therefore requests that the Examiner withdraw the rejection of dependent claims 2-11.

[0011] Further, Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight to independent claims 16, 24, 30, 33, and 40 and the cited references do not disclose all of the claimed elements and features of independent claims 16, 24, 30, 33, and 40. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims. Further, dependent claims 17-23, 25-29, 31-32, 34-39, and 41-43 are allowable for at least the same reasons as the independent claims from which they depend are

allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 17-23, 25-29, 31-32, 34-39, and 41-43.

### **Conclusion**

**[0012]** Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

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Representative for Applicant

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